

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

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03 MD 1570 (RCC)
ECF Case

This document relates to: *Continental Casualty Co. et al. v. Al Qaeda Islamic Army*, 04-CV-5970 (RCC)

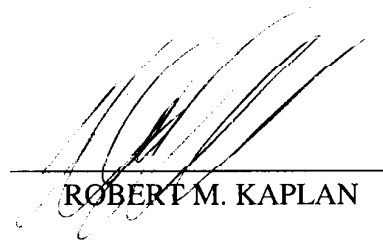
DECLARATION IN OPPOSITION TO MOTION TO DISMISS OF
DEFENDANT DAR AL-MAAL AL-ISLAMI TRUST

ROBERT M. KAPLAN, under penalty of perjury, declares as follows:

1. I am an attorney at law, admitted to practice before this Court and a member of Ferber Frost Chan & Essner, LLP, attorneys for the plaintiffs in *Continental Casualty Co. et al. v. Al Qaeda Islamic Army*, 04-CV-5970 (the "Continental Plaintiffs") I have personal knowledge of the facts set forth below.

2. Defendant Dar Al-Maal Al-Islami Trust ("DMI"), in support of its motion to dismiss the second amended complaint of the Continental Plaintiffs (the "SAC"), has alleged that the SAC was not filed until October 6, 2005 and therefore was untimely under this Court's case management order #2, which required amended complaints to be filed by September 30, 2005. However, DMI's allegation is inaccurate. The SAC was filed with the clerk's office on September 30, 2005; annexed as Exhibit A is a copy of the time-stamped first page of the SAC, establishing that it was filed on September 30, 2005.

Dated: New York, New York
December 19, 2005



ROBERT M. KAPLAN